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REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

In the Drawings:

The Examiner objected to the drawings on various grounds. Applicant has corrected the drawings to overcome these objections.

With respect to Figures 3A-3C, clearly, from the detailed description, these figures represent the invention as claimed and are not admitted to be prior art. It is Figures 2A-2C that describe the prior art and are so noted.

With respect to the objection regarding reference numeral 18, this has been amended to reference numeral 21 in the drawings.

With respect to the missing features 30 and 16', the reference numeral 30 has been deleted from the description and the reference 16' has been added, in particular to FIGs. 3A-3C.

Regarding Figure 3B, a reference numeral 20'' has been added, harmonized with the amendments to the specification which are self-explanatory.

It is believed therefore that the Examiner's objections have been satisfied. Acknowledgment of this fact is respectfully requested.

The Specification:

Concerning the Examiner's objections to the specification, Applicant believes that the amendments made in the attached marked up substitute specification overcome these rejections. In particular, it should be clear from the drawing corrections that the doubly curved language refers to the curve 20'' of the cutting edge and the curve 20' of the gusset edges which connect the cutting edge 20'-20''-20' to the, in this case, hemispherical shell 14 of the reamer 10. Further, it should be apparent that all the

amendments are of a grammatical nature or go to sentence structure, correcting translator error. Support for the amendments adding the advantages on page 7 can be found, for example, in the "What is needed" statement at the end of the background section of the application.

Double Patenting:

The Examiner provisionally rejected claims 1-12 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of copending Application No. 11/257,417. Applicant files herewith a duly executed terminal disclaimer. It is believed that this rejection is overcome. Acknowledgement of this fact is respectfully requested.

§102(b) Rejection based on Salyer (US Patent 6,001,105):

The Examiner rejected claims 1-12 under §102(b) as being anticipated by Salyer (US Patent No. 6,001,105). In response thereto, Applicant has amended the drawings to clarify what is meant by the claim terminology used. Further, regarding the Examiner's "inherency" argument, the Examiner need only apply common logic to see that neither Applicant nor Salyer expended the unnecessary energy otherwise required to depict very single tooth among a multitude of teeth formed in the hemispherical cutting body. Logic dictates that a cutting tooth that cuts at a peak cuts a smaller cutting path than a tooth that has a wide cutting surface, cutting along a curve (i.e., a large number of adjacent points). If this is unclear to the Examiner, Applicant suggests that an Examiner interview be conducted to clarify.

Still further, it is believed that Salyer clearly *does not* show a doubly curved edge as shown in the drawings of the instant application. Rather, Salyer shows a singly curved edge extending from the hemispherical reamer body to a cutting peak and then back to the reamer body. In the present invention, one curve is the cutting edge which follows the curve of the form to be cut, and the other curve is that of each adjacent gusset which extends from the cutting edge back to the hemispherical body. It should now be clear that the Salyer prior art lacks an essential element of the invention as claimed, namely, that of a doubly curved cutting edge. Consequently, the

§102 rejection is overcome and it is believed that the Examiner may fairly pass the application on to allowance.

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Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at moetteli@patentinfo.net.

Applicant petitions the Commissioner for an Extension of Time under 37 CFR §1.136 for a period of X month and the Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & ASSOCIES SARL, no. 50-2621.

Respectfully submitted,

Date : Sept 15, 2006


John MOETTELI
U.S. Reg. No. 35,289

Enclosure: replacement drawing sheets
Substitute specification
Terminal Disclaimer